

# EXHIBIT A

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16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN FRANCISCO DIVISION**

19 RICHARD KADREY, *et al.*,  
20 Individual and Representative  
21 Plaintiffs,  
22  
23 v.

24 META PLATFORMS, INC., a Delaware  
corporation;  
25 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S  
OBJECTIONS AND RESPONSES TO  
PLAINTIFFS' FIFTH SET OF REQUESTS FOR  
PRODUCTION**

1           4. To the extent that Meta responds to a Request by stating that Meta will provide  
2 documents that Meta deems to embody material that is private, business confidential, proprietary,  
3 trade secret, or otherwise protected from disclosure pursuant to Federal Rule of Civil Procedure  
4 26(c) and/or Federal Rule of Evidence 501, Meta will only do so subject to, and in accordance with,  
5 the parties' stipulated protective order (ECF No. 90, the "Protective Order").

6           5. The provision of a response to any of these Requests does not constitute a waiver of  
7 any objection regarding the use of said response in these proceedings. Meta reserves all objections  
8 or other questions as to the competency, relevance, materiality, privilege or admissibility as  
9 evidence in any subsequent proceeding in or trial of this or any other action for any purpose  
10 whatsoever of this response and any document or thing produced in response to the Requests.

11           6. Meta reserves the right to object on any ground and at any time to such other or  
12 supplemental requests for production that Plaintiffs may propound involving or relating to the  
13 subject matter of these Requests.

14           7. Unless otherwise stipulated in a production protocol or ordered by the Court, Meta  
15 will produce each document in response to these Requests in a form in which it is ordinarily  
16 maintained or in a reasonably usable form.

## 17   **II. OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS**

18           Whether or not separately set forth in response to each Request, Meta makes the following  
19 objections to the Instructions and Definitions accompanying Plaintiffs' Requests, and to each  
20 Request that includes them.

21           1. Meta objects to the definition of "Agreements" as overbroad and unduly  
22 burdensome to the extent that it encompasses oral contracts, arrangements, or understandings,  
23 including those that are informal. Meta further objects to the definition of "Agreements" as vague,  
24 ambiguous, and unintelligible as to the term "modifications" to the extent it is intended to mean  
25 something distinct from "versions" or "amendments." Meta construes "Agreements" to mean  
26 written contracts, including drafts, versions, amendments, exhibits, and appendices thereof.

27           2. Meta objects to the definition of "Communications" to the extent it is inconsistent  
28 with and otherwise seeks to circumvent the custodian and search term limits for electronic

1 communications (including emails and other electronic correspondence, and documents attached  
2 thereto), as provided in the Stipulated Protocol regarding Electronic Discovery (“ESI Order”).  
3 Meta will produce Documents, including Communications, pursuant to the terms of the ESI Order,  
4 and any agreement to produce such Documents is explicitly in view of the terms of the ESI Order.  
5 To the extent that Meta responds to a Request, including by agreeing to search for relevant, non-  
6 privileged communications in Meta’s possession, custody, or control, such response is not a  
7 representation that any particular custodian or search term is appropriate. Meta expressly reserves  
8 the right to object to any custodians and search terms proposed by Plaintiffs.

9       **3.**       Meta objects to the definition of “Identify” as these are Requests for Production and  
10 not Interrogatories. Purporting to require Meta to “Identify” certain information in response to a  
11 Request for Production would otherwise circumvent the interrogatory limit. Meta further objects  
12 to this definition to the extent it exceeds the scope of Rule 34 by imposing an obligation that Meta  
13 create new documents in response to these Requests.

14       **4.**       Meta objects to the definition of “Llama Models” as vague and ambiguous as to the  
15 terms and phrases “other AI models,” “instances,” “iterations,” “versions,” “updates,”  
16 “modifications,” “original version,” “experimental versions,” “subsequent versions,” and  
17 “refinements to the underlying algorithm, parameters, or architecture,” as applied to Llama and  
18 “any other AI models developed or in development by Meta.” Meta further objects to this definition  
19 as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that  
20 it purports to require Meta to produce documents concerning large language models (“LLMs”) that  
21 were not publicly released and/or were not trained on corpuses of text that allegedly include any of  
22 Plaintiffs’ allegedly copyrighted works. For the same reason, Meta objects to this definition to the  
23 extent that it purports to require Meta to produce documents that are not relevant to any party’s  
24 claims or defenses. Meta construes “Llama Models” to mean the models within the Llama family  
25 of LLMs that have been publicly released by Meta, namely, Llama 1, Llama 2, Code Llama, and  
26 Llama 3.

27       **5.**       Meta objects to the definitions of “Llama 1,” “Llama 2,” and “Llama 3” as vague  
28 and ambiguous as to the undefined terms “precursor models” and “variant models.” Meta further

1 objects to these definitions as overbroad, unduly burdensome, and disproportionate to the needs of  
2 the case to the extent that it purports to require Meta to produce documents or information  
3 concerning LLMs that were not publicly released and/or were not trained on corpuses of text that  
4 include any of Plaintiffs’ allegedly copyrighted works. For the same reason, Meta objects to these  
5 definitions to the extent that they purport to require Meta to produce documents or information  
6 concerning LLMs that are not relevant to any party’s claims or defenses. For purposes of these  
7 responses, Meta construes the term “Llama 1” to refer to the LLM released by Meta as Llama on  
8 February 24, 2023, the term “Llama 2” to refer to the LLM released by Meta under that name on  
9 July 18, 2023, and the term “Llama 3” to refer to the LLMs released by Meta under that name on  
10 April 18, 2024, July 23, 2024, and September 25, 2024.

11       **6.** Meta objects to the definition of “Meta” as overbroad, unduly burdensome, and  
12 disproportionate to the needs of the case to the extent that it purports to require Meta to produce  
13 documents outside of its possession, custody, or control. Meta construes “Meta” or “You” to mean  
14 Meta Platforms, Inc.

15       **7.** Meta objects to the definition of “Relevant Period” as vague, ambiguous, and  
16 unintelligible, as it is defined circularly to mean “all times relevant to . . . the Complaint.” Meta  
17 construes the Relevant Period to mean January 1, 2022 to the present.

18       **8.** Meta objects to the definition of “Shadow Dataset(s)” as vague and ambiguous as  
19 to the phrasing “the type of databases described in paragraph 37 of the Complaint—databases  
20 including but not limited to . . .” and “encompass all versions, updates, augmentations, or  
21 modifications of such databases.” Without any admission with respect to their content or nature,  
22 Meta construes the term “Shadow Dataset(s)” as used in the Requests and the term “Third Party  
23 Datasets” synonymously to refer to the third party datasets that are commonly referred to as  
24 Books3, Z-Library (aka B-ok), Library Genesis, Bibliotik, Anna’s Archive, and The Pile.

25       **9.** Meta objects to the definition of “Torrent System” as vague and ambiguous as to  
26 the phrasing “a network application designed for sharing computer data.” Meta construes the term  
27 “Torrent System” as used in these Requests to refer to software for using the BitTorrent protocol  
28 to obtain data.

1 subject matter of the Request, including documents and communications with limited, if any,  
2 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

3 Meta objects to this Request to the extent it seeks information that is not relevant to any  
4 party's claims or defenses, and on the ground that it presumes that a "decision" was made to include  
5 this language.

6 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
7 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
8 privileged, responsive documents in its possession, custody, or control, if any, concerning Meta's  
9 decision, if any, to describe Llama 2 training data as "publicly available" in the Llama 2 Paper.

10 **REQUEST FOR PRODUCTION NO. 81:**

11 All Documents and Communications related to the decision to use Shadow Datasets for  
12 training Llama Models.

13 **RESPONSE TO REQUEST NO. 81:**

14 Meta incorporates by reference its objections and definitions above, including to the term  
15 Shadow Datasets. Any electronic communications, including emails and documents attached  
16 thereto, will only be produced pursuant to and in accordance with the ESI Order.

17 Meta objects to this Request because, on its face, it does not exclude documents and  
18 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
19 opinions, which are subject to attorney-client privilege and/or attorney work product  
20 doctrine. Such documents will not be produced.

21 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
22 needs of the case to the extent that it seeks all documents and communications concerning the  
23 subject matter of the Request, including documents and communications with limited, if any,  
24 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto, in particular  
25 to the extent it concerns datasets that do not include Plaintiffs' asserted works.

26 Meta objects to this Request to the extent it seeks information that is not relevant to any  
27 party's claims or defenses.

28 Meta objects to this Request to the extent that Meta has already searched for and provided

documents responsive to this Request, which overlaps with prior Requests.

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-privileged, responsive documents in its possession, custody, or control concerning Meta's decision to use data from Third Party Datasets (as construed above) to train the Llama Models (as construed above).

**REQUEST FOR PRODUCTION NO. 82:**

All Documents and Communications related to the role of EleutherAI in the acquisition and use of Books3.

**RESPONSE TO REQUEST NO. 82:**

Meta incorporates by reference its objections and definitions above, including to the term EleutherAI. Any electronic communications, including emails and documents attached thereto, will only be produced pursuant to and in accordance with the ESI Order.

Meta objects to this Request because, on its face, it does not exclude documents and communications exchanged with or at the direction of Meta's attorneys concerning legal advice or opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such documents will not be produced.

Meta objects to this Request as vague and ambiguous as to the terms "role" and "acquisition and use," as it fails to identify with specificity the scope of what the Request is referring to, including what constitutes a "role" or the "acquisition and use" of Books3, and fails to specify whose "acquisition and use" of Books3 is at issue. Meta construes this Request as seeking documents related to EleutherAI's involvement, if any, in Meta's use of Books3 to train the Llama Models (as construed above).

Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that it seeks all documents and communications concerning the subject matter of the Request, including documents and communications with limited, if any, relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

Meta objects to this Request to the extent it seeks information that is not relevant to any

1 Meta objects to this Request to the extent it seeks information that is not relevant to any  
2 party's claims or defenses.

3 Meta objects to this Request to the extent that Meta has already searched for and produced  
4 documents responsive to this Request, which overlaps with prior Requests.

5 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
6 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
7 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show  
8 any revenues and profits generated by Meta from its dissemination of the Llama Models (as  
9 construed above).

10 **REQUEST FOR PRODUCTION NO. 91:**

11 All Documents and Communications related to any licensing agreements for Llama Models,  
12 including terms, conditions, and consideration.

13 **RESPONSE TO REQUEST NO. 91:**

14 Meta incorporates by reference its objections and definitions above. Any electronic  
15 communications, including emails and documents attached thereto, will only be produced pursuant  
16 to and in accordance with the ESI Order.

17 Meta objects to this Request because, on its face, it does not exclude documents and  
18 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
19 opinions, which are subject to attorney-client privilege and/or attorney work product  
20 doctrine. Such documents will not be produced.

21 Meta objects to this Request as vague and ambiguous as to the phrase "licensing agreements  
22 for the Llama Models" and the term "distributing." Meta construes this Request as seeking  
23 documents related to agreements entered by Meta to license use of the Llama Models (as construed  
24 above) to third parties.

25 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
26 needs of the case to the extent that it seeks all documents and communications concerning the  
27 subject matter of the Request, including documents and communications with limited, if any,  
28 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.



1 Meta objects to this Request to the extent it seeks documents for which Meta is contractually  
2 bound to seek consent or disclosure prior to production. Meta will only produce documents in  
3 accordance with such obligations.

4 Meta objects to this Request to the extent it seeks information that is not relevant to any  
5 party's claims or defenses.

6 Meta objects to this Request to the extent that Meta has already searched for and produced  
7 documents responsive to this Request, which overlaps with prior Requests.

8 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
9 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
10 privileged, responsive documents in its possession, custody, or control, sufficient to show any  
11 agreements entered by Meta to license use of the Llama Models (as construed above) to third  
12 parties.

13 **REQUEST FOR PRODUCTION NO. 92:**

14 All Documents and Communications related to the pricing strategy for distributing Llama  
15 Models.

16 **RESPONSE TO REQUEST NO. 92:**

17 Meta incorporates by reference its objections and definitions above. Any electronic  
18 communications, including emails and documents attached thereto, will only be produced pursuant  
19 to and in accordance with the ESI Order.

20 Meta objects to this Request because, on its face, it does not exclude documents and  
21 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
22 opinions, which are subject to attorney-client privilege and/or attorney work product  
23 doctrine. Such documents will not be produced.

24 Meta objects to this Request as vague and ambiguous as to the phrase "pricing strategy"  
25 and the term "distributing." Meta construes this Request as seeking documents related to Meta's  
26 strategy, if any, concerning payments required to be made to Meta by licensees pursuant to licenses  
27 for the Llama Models (as construed above).

28

1 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
2 needs of the case to the extent that it seeks all documents and communications concerning the  
3 subject matter of the Request, including documents and communications with limited, if any,  
4 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

5 Meta objects to this Request to the extent it seeks information that is not relevant to any  
6 party's claims or defenses.

7 Meta objects to this Request to the extent that Meta has already searched for and produced  
8 documents responsive to this Request, which overlaps with prior Requests.

9 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
10 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
11 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show  
12 Meta's costs to market and promote the Llama Models (as construed above).

13 **REQUEST FOR PRODUCTION NO. 94:**

14 All Documents and Communications related to the financial projections and actual financial  
15 performance of distributing Llama Models, including financial statements, income statements,  
16 balance sheets, cash flow statements, and forecasts, that reflect or predict the revenue and profits  
17 associated with Llama Models.

18 **RESPONSE TO REQUEST NO. 94:**

19 Meta incorporates by reference its objections and definitions above. Any electronic  
20 communications, including emails and documents attached thereto, will only be produced pursuant  
21 to and in accordance with the ESI Order.

22 Meta objects to this Request because, on its face, it does not exclude documents and  
23 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
24 opinions, which are subject to attorney-client privilege and/or attorney work product  
25 doctrine. Such documents will not be produced.

26 Meta objects to this Request as vague and ambiguous as to the terms "distributing" and  
27 "associated" and the phrases "actual financial performance of distributing the Llama  
28 Models." Meta construes this Request as seeking documents reflecting Meta's actual and projected

1 revenues and profits from the Llama Models (as construed above).

2 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
3 needs of the case to the extent that it seeks all documents and communications concerning the  
4 subject matter of the Request, including documents and communications with limited, if any,  
5 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

6 Meta objects to this Request to the extent it seeks information that is not relevant to any  
7 party's claims or defenses.

8 Meta objects to this Request to the extent that Meta has already searched for and produced  
9 documents responsive to this Request, which overlaps with prior Requests.

10 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
11 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
12 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show  
13 Meta's actual and projected revenues and profits from the Llama Models (as construed above).

14 **REQUEST FOR PRODUCTION NO. 95:**

15 All Documents and Communications related to the financial impact of Llama Models on  
16 the stock price and market valuation of Meta.

17 **RESPONSE TO REQUEST NO. 95:**

18 Meta incorporates by reference its objections and definitions above. Any electronic  
19 communications, including emails and documents attached thereto, will only be produced pursuant  
20 to and in accordance with the ESI Order.

21 Meta objects to this Request because, on its face, it does not exclude documents and  
22 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
23 opinions, which are subject to attorney-client privilege and/or attorney work product  
24 doctrine. Such documents will not be produced.

25 Meta objects to this Request as vague and ambiguous as to the phrase "financial impact" as  
26 it pertains to Meta's stock price. Meta also objects to this Request as vague and ambiguous as to  
27 "market valuation" Meta construes this Request as seeking documents concerning the impact of  
28 the Llama Models on Meta's stock price.

1 Meta objects to this Request to the extent that it seeks information that is publicly available,  
2 including as part of Meta's disclosures complying with its obligations as a publicly traded  
3 company.

4 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
5 needs of the case to the extent that it seeks all documents and communications concerning the  
6 subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs'  
7 copyright infringement allegations and Meta's defenses thereto.

8 Meta objects to this Request to the extent it seeks information that is not relevant to any  
9 party's claims or defenses.

10 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
11 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
12 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show  
13 Meta's operations expenses associated with the Llama Models (as construed above).

14 **REQUEST FOR PRODUCTION NO. 100:**

15 All Documents and Communications related to the financial impact of the Llama Models  
16 on Meta's profitability metrics, such as gross margin, operating margin, and net profit margin.

17 **RESPONSE TO REQUEST NO. 100:**

18 Meta incorporates by reference its objections and definitions above. Any electronic  
19 communications, including emails and documents attached thereto, will only be produced pursuant  
20 to and in accordance with the ESI Order.

21 Meta objects to this Request because, on its face, it does not exclude documents and  
22 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
23 opinions, which are subject to attorney-client privilege and/or attorney work product  
24 doctrine. Such documents will not be produced.

25 Meta objects to this Request as vague and ambiguous as to the phrases "financial impact"  
26 and "profitability metrics." Meta will construe this Request as seeking documents reflecting the  
27 effect of the Llama Models (as construed above) on Meta's gross margin, operating margin, and  
28 net profit margin.

1 Meta objects to this Request as vague and ambiguous as to which profitability metrics  
2 beyond those identified in the Request are being referring to, such that the Request fails to “describe  
3 with reasonable particularity each item or category of items to be inspected,” as required by Fed.  
4 R. Civ. P. 34. Meta will understand this Request as seeking materials describing the impact of the  
5 Llama Models on Meta’s gross margin, operating margin, and net profit margin.

6 Meta objects to this Request to the extent that it seeks information that is publicly available,  
7 including as part of Meta’s disclosures complying with its obligations as a publicly traded  
8 company.

9 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
10 needs of the case to the extent that it seeks all documents and communications concerning the  
11 subject matter of the Request, including documents and communications with limited, if any,  
12 relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses thereto.

13 Meta objects to this Request to the extent it seeks information that is not relevant to any  
14 party’s claims or defenses.

15 Meta objects to this Request as duplicative of other Requests, including Request Nos. 90  
16 and 97.

17 Meta objects to this Request to the extent that Meta has already searched for and produced  
18 documents responsive to this Request, which overlaps with prior Requests.

19 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
20 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
21 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show  
22 the effect of the Llama Models (as construed above) on Meta’s gross margin, operating margin,  
23 and net profit margin.

24 **REQUEST FOR PRODUCTION NO. 101:**

25 All Documents and Communications related to the financial impact of the Llama Models  
26 on Meta’s cash flow from operating activities.

27 **RESPONSE TO REQUEST NO. 101:**

28 Meta incorporates by reference its objections and definitions above. Any electronic

1 communications, including emails and documents attached thereto, will only be produced pursuant  
2 to and in accordance with the ESI Order.

3 Meta objects to this Request because, on its face, it does not exclude documents and  
4 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
5 opinions, which are subject to attorney-client privilege and/or attorney work product  
6 doctrine. Such documents will not be produced.

7 Meta objects to this Request as vague and ambiguous as to the phrase "financial impact."  
8 Meta construes this Request as seeking documents reflecting the effect of the Llama Models (as  
9 construed above) on Meta's cash flow from operating activities.

10 Meta objects to this Request to the extent that it seeks information that is publicly available,  
11 including as part of Meta's disclosures complying with its obligations as a publicly traded company

12 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
13 needs of the case to the extent that it seeks all documents and communications concerning the  
14 subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs'  
15 copyright infringement allegations and Meta's defenses thereto.

16 Meta objects to this Request to the extent it seeks information that is not relevant to any  
17 party's claims or defenses.

18 Meta objects to this Request to the extent that Meta has already searched for and produced  
19 documents responsive to this Request, which overlaps with prior Requests.

20 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
21 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
22 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show  
23 effect of the Llama Models (as construed above) on Meta's cash flow from operating activities.

24 **REQUEST FOR PRODUCTION NO. 102:**

25 All Documents and Communications related to the financial impact of the Llama Models  
26 on Meta's earnings per share (EPS).

27 **RESPONSE TO REQUEST NO. 102:**

28 Meta incorporates by reference its objections and definitions above. Any electronic

1 the data used to train Llama Models, including but not limited to the inclusion of any copyrighted  
2 material within data used to train Llama Models.

3 **RESPONSE TO REQUEST NO. 105:**

4 Meta incorporates by reference its objections and definitions above. Any electronic  
5 communications, including emails and documents attached thereto, will only be produced pursuant  
6 to and in accordance with the ESI Order.

7 Meta objects to this Request because, on its face, it does not exclude documents and  
8 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
9 opinions, which are subject to attorney-client privilege and/or attorney work product  
10 doctrine. Such documents will not be produced.

11 Meta objects to this Request as compound, vague, and ambiguous as to the phrasing "related  
12 to licensing the Llama Models and concerning the data used to train Llama Models," in particular  
13 as this clause conflates separate subject matter (i.e., licensing the models and training data). Meta  
14 further objects to this Request as vague, ambiguous, indefinite, and unduly burdensome as to the  
15 term "copyrighted material," as the Request does not identify any and Meta is not in a position to  
16 know whether any particular work is subject to copyright protection. Meta is unable to construe  
17 this Request.

18 Meta objects to this Request to the extent that it is duplicative of other Requests, such as  
19 Request Nos. 77, 91, and 130.

20 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
21 needs of the case to the extent that it seeks all documents and communications concerning the  
22 subject matter of the Request, including documents and communications with limited, if any,  
23 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

24 Meta objects to this Request to the extent it seeks information that is not relevant to any  
25 party's claims or defenses.

26 **REQUEST FOR PRODUCTION NO. 106:**

27 All Documents and Communications related to Meta guidelines for including or excluding  
28 copyrighted material from data used to train Llama Models.

**RESPONSE TO REQUEST NO. 106:**

Meta incorporates by reference its objections and definitions above. Any electronic communications, including emails and documents attached thereto, will only be produced pursuant to and in accordance with the ESI Order.

Meta objects to this Request because, on its face, it does not exclude documents and communications exchanged with or at the direction of Meta's attorneys concerning legal advice or opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such documents will not be produced.

Meta objects to this Request as vague and ambiguous as to the term "guidelines." Meta further objects to this Request as vague, ambiguous, indefinite, and unduly burdensome as to the term "copyrighted material," as the Request does not identify any and Meta is not in a position to know whether any particular work is subject to copyright protection. Meta construes this Request as seeking documents concerning legal guidance related to use of potentially copyrighted material as training data for the Llama Models (as construed above). Such documents are privileged and will not be produced.

Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that it seeks all documents and communications concerning the subject matter of the Request, including documents and communications with limited, if any, relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

Meta objects to this Request as duplicative of other Requests.

Meta objects to this Request to the extent that Meta has already searched for and produced documents responsive to this Request, which overlaps with prior Requests.

Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-privileged, responsive documents in its possession, custody, or control, if any, sufficient to show guidance related to use of potentially copyrighted material as training data for the Llama Models (as construed above).

**REQUEST FOR PRODUCTION NO. 107:**



1 All Documents and Communications related to Meta’s use of Llama Models to develop or  
2 augment any new or existing Meta products, including but not limited to Facebook, Instagram,  
3 Reels, WhatsApp, Threads, Oculus, Meta virtual reality (or “metaverse”) products, and Meta’s AR  
4 glasses (or “Orion”).

5 **RESPONSE TO REQUEST NO. 107:**

6 Meta incorporates by reference its objections and definitions above. Any electronic  
7 communications, including emails and documents attached thereto, will only be produced pursuant  
8 to and in accordance with the ESI Order.

9 Meta objects to this Request because, on its face, it does not exclude documents and  
10 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or  
11 opinions, which are subject to attorney-client privilege and/or attorney work product  
12 doctrine. Such documents will not be produced.

13 Meta objects to this Request as vague and ambiguous as to the term “use . . . to develop or  
14 augment” and “Meta products.” Meta construes this Request as seeking documents related to  
15 Meta’s integration of the Llama Models (as construed) above, into features within Facebook,  
16 Instagram, Reels, WhatsApp, Threads, Oculus, metaverse products, and Meta’s AR glasses  
17 products.

18 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
19 needs of the case to the extent that it seeks all documents and communications concerning the  
20 subject matter of the Request, including documents and communications with limited, if any,  
21 relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses thereto.

22 Meta objects to this Request to the extent it seeks information that is not relevant to any  
23 party’s claims or defenses.

24 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
25 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
26 privileged, responsive documents in Meta’s possession, custody, or control, if any, sufficient to  
27 show Meta’s plans to develop new products using the Llama Models (as construed above) and its  
28 plans to integrate the models into Facebook, Instagram, Reels, WhatsApp, Threads, Oculus,

1 Meta objects to this Request as vague and ambiguous as to the term “use . . . to develop or  
2 augment” and “Meta products.” Meta construes this Request as seeking documents related to  
3 Meta’s plans, if any, for the integration of the Llama Models (as construed above), into features  
4 within Facebook, Instagram, Reels, WhatsApp, Threads, Oculus, metaverse products, and Meta’s  
5 AR glasses products.

6 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
7 needs of the case to the extent that it seeks all documents and communications concerning the  
8 subject matter of the Request, including documents and communications with limited, if any,  
9 relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses thereto.

10 Meta objects to this Request to the extent it seeks information that is not relevant to any  
11 party’s claims or defenses.

12 Meta objects to this Request as duplicative of other Requests, including Request No. 107.

13 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
14 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
15 privileged, responsive documents in Meta’s possession, custody, or control, if any, sufficient to  
16 show Meta’s plans to develop new products using the Llama Models (as construed above) and its  
17 plans to integrate the models into Facebook, Instagram, Reels, WhatsApp, Threads, Oculus,  
18 metaverse products, and/or Meta’s AR glasses products.

19 **REQUEST FOR PRODUCTION NO. 114:**

20 All Documents and Communications regarding Meta’s proposed or actual partnership with  
21 celebrities—including but not limited to John Cena, Judi Dench, Kristen Bell, Awkwafina, and  
22 Keegan-Michael Key—to train Meta’s AI chatbot, including regarding the commercial terms Meta  
23 proposed or entered into with any of them, including for any celebrities who did not finalize a  
24 partnership with Meta.

25 **RESPONSE TO REQUEST NO. 114:**

26 Meta incorporates by reference its objections and definitions above. Any electronic  
27 communications, including emails and documents attached thereto, will only be produced pursuant  
28 to and in accordance with the ESI Order.

1 Meta objects to this Request because, on its face, it does not exclude documents and  
2 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or  
3 opinions, which are subject to attorney-client privilege and/or attorney work product  
4 doctrine. Such documents will not be produced.

5 Meta objects to this Request as vague and ambiguous as to “proposed or actual  
6 partnership... to train Meta’s AI chatbot.” Meta construes this Request as seeking documents  
7 concerning any agreements to use the likenesses, personalities, or other publicity rights associated  
8 with celebrities to train or promote Meta’s AI chatbots.

9 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
10 needs of the case to the extent that it seeks all documents and communications concerning the  
11 subject matter of the Request, including documents and communications with no relevance to  
12 Plaintiffs’ copyright infringement allegations and Meta’s defenses thereto.

13 Meta objects to this Request on the ground that it seeks information that is not relevant to  
14 any party’s claims or defenses.

15 **REQUEST FOR PRODUCTION NO. 115:**

16 All Documents and Communications relating to Meta’s decision to withhold release of its  
17 newest multimodal AI models from distribution in the European Union.

18 **RESPONSE TO REQUEST NO. 115:**

19 Meta incorporates by reference its objections and definitions above. Any electronic  
20 communications, including emails and documents attached thereto, will only be produced pursuant  
21 to and in accordance with the ESI Order.

22 Meta objects to this Request because, on its face, it does not exclude documents and  
23 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or  
24 opinions, which are subject to attorney-client privilege and/or attorney work product  
25 doctrine. Such documents will not be produced.

26 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
27 needs of the case to the extent that it seeks all documents and communications concerning the  
28 subject matter of the Request, including documents and communications with no relevance to

1 Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

2 Meta objects to this Request on the ground that it seeks information that is not relevant to  
3 any party's claims or defenses.

4  
5 **REQUEST FOR PRODUCTION NO. 116:**

6 All source code relating to Llama Models.

7 **RESPONSE TO REQUEST NO. 116:**

8 Meta incorporates by reference its objections and definitions above.

9 Meta objects to this Request as vague, ambiguous, and unduly burdensome as to the term  
10 "relating to," including because Meta is not in a position to know the scope of source code that  
11 could conceivably be "relat[ed] to" Llama Models (as construed above). Meta construes this  
12 Request as seeking the source code of the Llama Models (as construed above).

13 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
14 needs of the case to the extent that it seeks all source code concerning the subject matter of the  
15 Request, including source code with limited, if any, relevance to Plaintiffs' copyright infringement  
16 allegations and Meta's defenses thereto.

17 Meta objects to this Request to the extent it seeks information that is not relevant to any  
18 party's claims or defenses.

19 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
20 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce source code  
21 used by Meta for training the Llama Models and for evaluating the performance of Llama Models.

22 **REQUEST FOR PRODUCTION NO. 117:**

23 All Documents and Communications relating to Meta's decision to not identify databases  
24 used for training Llama Models.

25 **RESPONSE TO REQUEST NO. 117:**

26 Meta incorporates by reference its objections and definitions above. Any electronic  
27 communications, including emails and documents attached thereto, will only be produced pursuant  
28 to and in accordance with the ESI Order.

1 Meta objects to this Request because, on its face, it does not exclude documents and  
2 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or  
3 opinions, which are subject to attorney-client privilege and/or attorney work product  
4 doctrine. Such documents will not be produced.

5 Meta objects to this Request as vague and ambiguous as to the phrasing “not identify” and  
6 “databases used for training Llama Models.” Meta construes this Request as seeking documents  
7 concerning Meta’s decision, if any, not to publicly identify with specificity the training data used  
8 to train the Llama Models (as construed above) other than Llama 1.

9 Meta objects to this Request to the extent it assumes that Meta did not publicly identify  
10 datasets used to train any Llama Models.

11 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
12 needs of the case to the extent that it seeks all documents and communications concerning the  
13 subject matter of the Request, including documents and communications with limited, if any,  
14 relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses thereto.

15 Meta objects to this Request to the extent it seeks information that is not relevant to any  
16 party’s claims or defenses.

17 **REQUEST FOR PRODUCTION NO. 118:**

18 All Documents and Communications, including source code, relating to any efforts,  
19 attempts, or measures implemented by Meta to prevent Llama Models from emitting or outputting  
20 copyrighted material.

21 **RESPONSE TO REQUEST NO. 118:**

22 Meta incorporates by reference its objections and definitions above. Any electronic  
23 communications, including emails and documents attached thereto, will only be produced pursuant  
24 to and in accordance with the ESI Order.

25 Meta objects to this Request because, on its face, it does not exclude documents and  
26 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or  
27 opinions, which are subject to attorney-client privilege and/or attorney work product  
28 doctrine. Such documents will not be produced.

1 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or  
2 opinions, which are subject to attorney-client privilege and/or attorney work product  
3 doctrine. Such documents will not be produced.

4 Meta objects to this Request as vague, ambiguous, and indefinite as to “copyrighted  
5 material,” as the Request does not identify any and Meta is not in a position to know whether any  
6 particular training data is protected by copyright. Meta also objects to this Request on the ground  
7 that it presupposes that there are documents related to the processing, storage, and deletion of  
8 copyrighted material separate and apart from other training data.

9 Meta objects to this Request as duplicative of other Requests.

10 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
11 needs of the case to the extent that it seeks all documents and communications concerning the  
12 subject matter of the Request, including documents and communications, including source code,  
13 with limited, if any, relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses  
14 thereto.

15 Meta objects to this Request to the extent it seeks information that is not relevant to any  
16 party’s claims or defenses.

17 Meta objects to this Request as duplicative of other Requests, including Request Nos. 116  
18 and 118.

19 Meta is willing to meet and confer with Plaintiffs regarding the appropriate scope, if any of  
20 this Request.

21 **REQUEST FOR PRODUCTION NO. 120:**

22 All Documents and Communications, including source code, relating to actual or  
23 contemplated source code changes within Llama Models, including source code “commits” and  
24 “pull requests.”

25 **RESPONSE TO REQUEST NO. 120:**

26 Meta incorporates by reference its objections and definitions above. Any electronic  
27 communications, including emails and documents attached thereto, will only be produced pursuant  
28 to and in accordance with the ESI Order.

1 Meta objects to this Request because, on its face, it does not exclude documents and  
2 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
3 opinions, which are subject to attorney-client privilege and/or attorney work product  
4 doctrine. Such documents will not be produced.

5 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
6 needs of the case to the extent that it seeks all documents and communications, including source  
7 code, concerning the subject matter of the Request, including documents and communications with  
8 limited, if any, relevance to Plaintiffs' copyright infringement allegations and Meta's defenses  
9 thereto.

10 Meta objects to this Request to the extent it seeks information that is not relevant to any  
11 party's claims or defenses.

12 Meta objects to this Request as duplicative of other Requests, including Request Nos. 116,  
13 118 and 119.

14 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
15 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
16 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show  
17 actual or contemplated source code changes within Llama Models, including source code  
18 "commits" and "pull requests" where available and reasonably technologically feasible to produce.

19 **REQUEST FOR PRODUCTION NO. 121:**

20 All Documents and Communications, including source code, relating to production code  
21 for Llama Models.

22 **RESPONSE TO REQUEST NO. 121:**

23 Meta incorporates by reference its objections and definitions above. Any electronic  
24 communications, including emails and documents attached thereto, will only be produced pursuant  
25 to and in accordance with the ESI Order.

26 Meta objects to this Request because, on its face, it does not exclude documents and  
27 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
28 opinions, which are subject to attorney-client privilege and/or attorney work product

1 Meta objects to this Request to the extent it seeks information that is not relevant to any  
2 party's claims or defenses.

3 Meta objects to this Request as duplicative of other Requests, including Request Nos. 116,  
4 118, 119, 120, and 121.

5 Meta is willing to meet and confer with Plaintiffs regarding the appropriate scope, if any of  
6 this Request.

7 **REQUEST FOR PRODUCTION NO. 123:**

8 All non-privileged Communications with third parties regarding Plaintiffs' allegations and  
9 Meta's actual or contemplated defenses, including fair use.

10 **RESPONSE TO REQUEST NO. 123:**

11 Meta incorporates by reference its objections and definitions above. Any electronic  
12 communications, including emails and documents attached thereto, will only be produced pursuant  
13 to and in accordance with the ESI Order.

14 Meta objects to this Request as vague and ambiguous as to the phrasing "actual or  
15 contemplated defenses." Meta will construe this Request as seeking communications with third  
16 parties regarding Plaintiff's allegations and Meta's asserted defenses, including fair use, in  
17 connection with this litigation.

18 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
19 needs of the case to the extent that it seeks all documents and communications concerning the  
20 subject matter of the Request, including documents and communications with limited, if any,  
21 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

22 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
23 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
24 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show  
25 Meta's communications with third parties regarding Plaintiffs' allegations and Meta's actual  
26 defenses, including fair use, in this litigation.

27 **REQUEST FOR PRODUCTION NO. 124:**

28 Documents or Communications sufficient to show the functionalities and purpose of the



1 SRT.

2 **RESPONSE TO REQUEST NO. 124:**

3 Meta incorporates by reference its objections and definitions above. Any electronic  
4 communications, including emails and documents attached thereto, will only be produced pursuant  
5 to and in accordance with the ESI Order.

6 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
7 needs of the case to the extent that it seeks all documents and communications concerning the  
8 subject matter of the Request, including documents and communications with limited, if any,  
9 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

10 Meta objects to this Request to the extent it seeks information that is not relevant to any  
11 party's claims or defenses.

12 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
13 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
14 privileged, responsive documents in its possession, custody, or control, if any, sufficient to show  
15 the functionalities and purpose of Meta's SRT.

16 **REQUEST FOR PRODUCTION NO. 125:**

17 Documents sufficient to show the identity of persons included on the following "list serv"  
18 accounts identified on Meta's privilege log(s): "GenAI Trust & RAI," "GenAI LLM Research,"  
19 "GenAI – Leadership," "MPI in house."

20 **RESPONSE TO REQUEST NO. 125:**

21 Meta incorporates by reference its objections and definitions above. Any electronic  
22 communications, including emails and documents attached thereto, will only be produced pursuant  
23 to and in accordance with the ESI Order.

24 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
25 needs of the case because it seeks documents with limited, if any, relevance to Plaintiffs' copyright  
26 infringement allegations and Meta's defenses thereto.

27 Meta objects to this Request on the ground that it seeks information that is not relevant to  
28 any party's claims or defenses.

**REQUEST FOR PRODUCTION NO. 126:**

All Documents and Communications related to Meta's decision to use the SRT for obtaining or relaying legal advice.

**RESPONSE TO REQUEST NO. 126:**

Meta incorporates by reference its objections and definitions above. Any electronic communications, including emails and documents attached thereto, will only be produced pursuant to and in accordance with the ESI Order.

Meta objects to this Request because, on its face, it does not exclude documents and communications exchanged with or at the direction of Meta's attorneys concerning legal advice or opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such documents will not be produced.

Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that it seeks all documents and communications concerning the subject matter of the Request, including documents and communications with limited, if any, relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

Meta objects to this Request on the ground that it seeks information that is not relevant to any party's claims or defenses.

**REQUEST FOR PRODUCTION NO. 127:**

All Documents, Communications, Guidelines, or policies related to the handling, sharing, or disclosure of potentially privileged communications or attorney work product, including but not limited to guidelines or policies regarding the sharing of potentially privileged information with third parties or the storage of potentially privileged communications or attorney work product in secure locations.

**RESPONSE TO REQUEST NO. 127:**

Meta incorporates by reference its objections and definitions above. Any electronic communications, including emails and documents attached thereto, will only be produced pursuant to and in accordance with the ESI Order.

1 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

2 Meta objects to this Request to the extent it seeks information that is not relevant to any  
3 party's claims or defenses.

4 **REQUEST FOR PRODUCTION NO. 129:**

5 Documents sufficient to identify all individuals, currently or formerly employed by Meta,  
6 including their roles and titles, who work or worked on Meta's AI research and development  
7 projects, including Llama models, and/or on Meta's licensing efforts with respect to AI training  
8 data.

9 **RESPONSE TO REQUEST NO. 129:**

10 Meta incorporates by reference its objections and definitions above.

11 Meta objects to this Request as vague and ambiguous as to the term "Meta's AI research"  
12 projects, which could include any number of projects dating back years.

13 Meta also objects to this Request to the extent that it seeks information that is publicly  
14 available, in particular information published within the Llama 1 Paper, the Llama 2 Paper, and the  
15 similar paper published in conjunction with Llama 3. Meta refers Plaintiffs to those papers, which  
16 have been produced by Meta, as well as other thousands of other documents produced by Meta  
17 which identify individuals involved in the research and development of the Llama Models (as  
18 construed above).

19 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
20 needs of the case to the extent that it seeks information not kept in the ordinary course of business  
21 and information, including documents and communications with limited, if any, relevance to  
22 Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

23 Meta objects to this Request to the extent it seeks information that is not relevant to any  
24 party's claims or defenses.

25 **REQUEST FOR PRODUCTION NO. 130:**

26 All Documents and Communications, including discussions, deliberations, or negotiations  
27 related to any actual, proposed, or contemplated licensing agreements (even if never written or  
28 executed) for AI training data, including any actual, proposed, or contemplated terms, conditions,

1 and consideration.

2 **RESPONSE TO REQUEST NO. 130:**

3 Meta incorporates by reference its objections and definitions above. Any electronic  
4 communications, including emails and documents attached thereto, will only be produced pursuant  
5 to and in accordance with the ESI Order.

6 Meta objects to this Request because, on its face, it does not exclude documents and  
7 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or  
8 opinions, which are subject to attorney-client privilege and/or attorney work product  
9 doctrine. Such documents will not be produced.

10 Meta objects to this Request as vague and ambiguous as to the term "AI training data,"  
11 which is not limited in scope and could include training data other than text, and other than for the  
12 Llama Models (as construed above). Meta construes this Request as concerning text training data  
13 for the Llama Models (as construed above).

14 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the  
15 needs of the case to the extent that it seeks all documents and communications concerning the  
16 subject matter of the Request, including documents and communications with limited, if any,  
17 relevance to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

18 Meta objects to this Request to the extent it seeks information that is not relevant to any  
19 party's claims or defenses.

20 Subject to and without waiving the foregoing objections, and pursuant to the terms of the  
21 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-  
22 privileged, responsive documents in its possession, custody, or control concerning Meta's efforts  
23 to license text training data for the Llama Models (as construed above).

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1 Dated: November 8, 2024

COOLEY LLP

2  
3 By: /s/ Judd Lauter

4 Bobby Ghajar  
5 Mark Weinstein  
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